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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 GASKINS E. THOMAS, JR.,

8 Plaintiff,

9 v.

10 STATE OF WASHINGTON,

11 Defendant.

CASE NO. C17-617-BAT

**ORDER REGARDING
PLAINTIFF'S REQUEST FOR
ORAL ARGUMENT**

12 Defendant State of Washington's motion for summary judgment pursuant to Fed. R. Civ.
13 P. 56 and motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) is noted for December 29, 2017.
14 Dkt. 21. Plaintiff's written response to the motion is due on December 26, 2017¹ and
15 Defendant's written reply is due by December 29, 2017. Thereafter, the Court will decide the
16 motion on the written submissions of the parties as soon as practicable, and normally within
17 thirty days following the noting date. The Court sees no need for oral argument. *See* CR 7(b)(4)
18 (Unless otherwise ordered by the court, all motions will be decided by the court without oral
19 argument. Counsel (and parties) shall **not** appear on the date the motion is noted unless directed
20 by the court). Therefore, Plaintiff's request to appear in Court to orally respond to the motion is
21 **denied.**

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¹ Plaintiff's response is normally be due on the Monday prior to the noting date, which is December 25, 2017.
However, as December 25th is a Court holiday, plaintiff's response is due the following day, on December 26, 2017.

1 Plaintiff is advised that if Defendant's motion is granted, this case will be dismissed with
2 prejudice. Plaintiff should refer to Rule 56, which describes what he must do in order to oppose
3 a motion for summary judgment. Generally, summary judgment must be granted when there is
4 no genuine issue of material fact – that is, if there is no real dispute about any fact that would
5 affect the result of your case, the party who asked for summary judgment is entitled to judgment
6 as a matter of law, which will end your case. When a party you are suing makes a motion for
7 summary judgment that is properly supported by declarations (or other sworn testimony), you
8 cannot simply rely on what your complaint says. Instead, **you must set out specific facts in**
9 **declarations, depositions, answers to interrogatories, or authenticated documents, as**
10 **provided in Rule 56(e), that contradict the facts shown in the defendant's declarations and**
11 **documents and show that there is a genuine issue of material fact for trial. If you do not**
12 **submit your own evidence in opposition, summary judgment, if appropriate, may be**
13 **entered against you. If summary judgment is granted, your case will be dismissed and**
14 **there will be no trial.**

15 Accordingly, it is **ORDERED:**

16 (1) Plaintiff's request for oral argument (Dkt. 23) is **DENIED**. Plaintiff shall file his
17 **written** response to Defendant's motion (Dkt. 21) **by December 26, 2017.**

18 (2) The Clerk shall send a copy of this Order to the parties.

19 DATED this 8th day of December, 2017.

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22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge